

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
SECOND REGULAR SESSION
37th Legislative Day
Monday, April 7, 2014

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Kristin White, Wayne Community Methodist Church.

National Anthem by Mountain Valley High School Chorus, Rumford.

Pledge of Allegiance.

Doctor of the day, Michael Hofmann, M.D., Skowhegan.

The Journal of Friday, April 4, 2014 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 405)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

April 7, 2014

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On April 4, 2014

Elizabeth E. Pingree of East Machias for appointment as the student member of the Board of Trustees, Maine Maritime Academy.

Pursuant to P & SL 1941, C. 37, as amended, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Paul M. Nelson of Biddeford for appointment as the student member of the Board of Trustees, University of Maine System.

Pursuant to P & SL 1865, C. 532, as amended, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Patricia A. Rice of Veazie for appointment to the State Liquor and Lottery Commission.

Pursuant to Title 5, MRSA, §283-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

John C. Norman of Portland for appointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA, §4561, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

John J. Bouchard of Brunswick for appointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA, §13083-I, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Gwendolyn E. Viles of Athens for appointment as a student member of the State Board of Education.

Pursuant to Title 20-A, MRSA, §401, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Amie M. Parker of Lewiston for appointment to the Maine Labor Relations Board.

Pursuant to Title 26, MRSA, §968, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Kevin P. Joseph of Oakland for appointment to the Maine State Housing Authority.

Pursuant to Title 30-A, MRSA, §4723.2, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 406)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

April 7, 2014

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bill out "Ought Not to Pass:"

Environment and Natural Resources

L.D. 1848

An Act To Allow Property Maintenance Activities notwithstanding a Consent Agreement with the Department of Environmental Protection

The sponsor and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 885)

**MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY**

April 4, 2014

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 126th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Judiciary, the nomination of Eric J. Walker of Belmont for appointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Andrew B. Benson of Athens for appointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Lance E. Walker of Falmouth for appointment as a District Court Judge.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 895)

**MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY**

April 4, 2014

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

House Paper 973, Legislative Document 1365, "An Act To Promote New Models of Mobility and Access to Transportation," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?" 19 voted in favor and 14 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

Under suspension of the rules, members were allowed to remove their jackets.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Kenneth E. Orr, of South China, on his 20 years of dedicated naval service. Mr. Orr, whose naval career began in 1979, retired from the United States Navy as a petty officer in 1999. He served 12 years at sea on various ships and deployed to Desert Shield and Desert Storm. Mr. Orr was off the coast of Beirut, Lebanon in 1980. He served as an elevator technician and was involved with cargo winch repair. Among his decorations and commendations, Mr. Orr received the Navy Commendation Medal and the Navy Expeditionary Medal, and he attended surface warfare specialist school. We join the citizens of the State in sending our appreciation and best wishes to Petty Officer Kenneth E. Orr, USN, Retired, on his exemplary naval career and his service to the Nation;

(HLS 850)

Presented by Representative COTTA of China.

Cosponsored by Senator KATZ of Kennebec.

On **OBJECTION** of Representative COTTA of China, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Kenneth Orr was unable to attend this session today, but I would like to read just a few things about this service. Kenneth Orr was the oldest of three brothers. He served the United States Navy aboard a surface supply vessel, one of the many unsung soldiers and sailors who are charged with supporting the force, supplying fuel and ammunition. In this role, the resupply ships went to where the action was but just out of harm's way. However, with 9 million gallons of fuel out to replenish the fleet and ammunition for every vessel in the fleet, the vessel that he was on had a danger radius of 10 miles, so it was quite a feat. But, once again, the support role, those who work behind the scenes in the support role, serve as the backbone of sustained operations. Kenneth and his 20 years of service was part of that support. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

Recognizing:

Master Sergeant David E. Orr, of South China and Fort Benning, Georgia, on the occasion of his retirement from the United States Army after more than 25 years of dedicated military service. Master Sergeant Orr's basic active service date was July 26, 1989, and his retirement date is September 1, 2014. During his distinguished career, he served tours of duty and combat in Saudi Arabia, Germany, Bosnia, Kuwait, Afghanistan and Iraq, serving in Operation Desert Storm and Operation Iraqi Freedom. He served as a reconnaissance scout in a Bradley Fighting Vehicle unit. Among his many decorations and commendations, Master Sergeant Orr received 3 Bronze Stars, the Army Commendation Medal--7th Award, the Meritorious Service Medal and the Purple Heart. We join the citizens of the State in sending our appreciation and best wishes to Master Sergeant David E. Orr on his exemplary military career and his service to the Nation. We extend our congratulations and best wishes to him on his retirement;

(HLS 851)

Presented by Representative COTTA of China.

Cosponsored by Senator KATZ of Kennebec.

On **OBJECTION** of Representative COTTA of China, was **REMOVED** from the Special Sentiment Calendar.

READ and PASSED and sent for concurrence.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

Recognizing:

James E. Orr, of Waterville, on his more than 23 years of dedicated military service. Mr. Orr, whose military career began in 1988, retired from the United States Army as a Master Sergeant in 2012. He served tours of combat in Iraq, Kuwait and Yugoslavia and a tour of duty in Korea. Among his many decorations and commendations, Mr. Orr received the Legion of Merit, the Bronze Star, the Meritorious Service Medal--2nd Award, the Army Commendation Medal--6th Award, the Army Achievement Medal--5th Award, the Kosovo Campaign Medal and the Global War on Terrorism Service Medal. We join the citizens of the State in sending our appreciation and best wishes to Master Sergeant James E. Orr, USA, Retired, on his exemplary military career and his service to the Nation;

(HLS 852)

Presented by Representative COTTA of China.

Cosponsored by Senator LACHOWICZ of Kennebec, Representative BECK of Waterville, Representative LONGSTAFF of Waterville.

On **OBJECTION** of Representative COTTA of China, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

Recognizing:

the distinguished military service of the late Sergeant Harvey E. Orr, of South China. Mr. Orr served in the United States Army for 22 years, retiring with the rank of Sergeant First Class. He served tours of duty in Germany, Colorado and Hawaii, and served with distinction in 2 tours of combat in Vietnam. He was an air crewman. Among his many decorations, Sergeant Orr received the Bronze Star, the Air Medal and Army Commendation Medal. We join citizens throughout the State in honoring the memory of Sergeant Orr and his exemplary military career and service to the Nation;

(HLS 853)

Presented by Representative COTTA of China.

Cosponsored by Senator KATZ of Kennebec.

On **OBJECTION** of Representative COTTA of China, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

REPORTS OF COMMITTEE

Divided Report

Six Members of the Committee on **VETERANS AND LEGAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-809)** on Bill "An Act To Expand Consumer Choice for Wine"

(H.P. 1276) (L.D. 1783)

Signed:

Representatives:

LUCHINI of Ellsworth
FOWLE of Vassalboro
LONGSTAFF of Waterville
RUSSELL of Portland
SAUCIER of Presque Isle
SCHNECK of Bangor

Six Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin
PATRICK of Oxford

Representatives:

BEAULIEU of Auburn
GIFFORD of Lincoln
KINNEY of Limington

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended.**

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended.**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 653

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Campbell J, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, Dorney, Dunphy, Evangelos, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Weaver, Welsh, Werts, Wilson, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Harvell, Jackson, Johnson P, Kinney, Knight, Lockman, Long, Maker, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Reed, Sanderson, Short, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Winchenbach, Winsor, Wood.

ABSENT - Bennett, Brooks, Carey, Chapman, Dickerson, Dion, Frey, Gillway, Johnson D, Kent, Malaby, McLean, Noon, Peavey Haskell, Rochelo, Villa, Willette.

Yes, 88; No, 46; Absent, 17; Excused, 0.

88 having voted in the affirmative and 46 voted in the negative, with 17 being absent, and Report "A" **Ought to Pass as Amended** was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-809)** was **READ** by the Clerk.

Representative GIDEON of Freeport **PRESENTED House Amendment "A" (H-813)** to **Committee Amendment "A" (H-809)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise in support of the pending motion because I know, well, I think, we share this belief. When a person from Maine seeks our help to legitimately start a business, it is our job to find a path to yes. LD 1783 is, at its core, a small business bill. It recognizes an existing market, the world of private wine collection and carves a niche industry where finally, these rare and vintage wines, that are bought and sold by Maine residents already, may now be legally sold in the state of Maine. In doing this, we enhance the Maine brand, we fill our hotel and restaurant rooms, we capture thousands of dollars of tax revenue within our borders instead of within of Massachusetts or New York, and we add ancillary jobs in the world of appraisal, auctioneering, transportation, warehousing, printing and cataloguing, just to name a few. The amendment I deliver today recognizes what we believe to be the last legitimate remaining regulatory concern. It makes this law a pilot program for the first three years, allowing no more than three wine auction licenses to be distributed per year. At the end of the three years, BABLO reports back to the VLA Committee to assess how the program is

working. Mr. Speaker, Women and Men of the House, please join me in finding a path to yes. Do not allow one controlling industry to block small business development in this state. Do not allow government bureaucracy to inhibit finding solutions. Instead, honor a Maine entrepreneur's request to invest in the Maine economy. Keep the promise, that I know we all made when we knocked on doors in 2012, to create new jobs in Maine and to show that the Chief Executive's desire to be "open for business" is more than just a sign on the Piscataqua River Bridge. Thank you, Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-813) to Committee Amendment "A" (H-809)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-813) to Committee Amendment "A" (H-809). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 654

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Campbell J, Casavant, Cassidy, Chase, Chenette, Chipman, Clark, Cooper, Daughtry, DeChant, Devin, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Keschl, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Volk, Welsh, Werts, Wilson, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Campbell R, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Jackson, Johnson P, Kinney, Libby A, Lockman, Long, Maker, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Reed, Short, Sirocki, Timberlake, Turner, Tyler, Wallace, Weaver, Winchenbach, Winsor, Wood.

ABSENT - Bennett, Brooks, Carey, Chapman, Dickerson, Dion, Gillway, Johnson D, Kent, Malaby, McLean, Noon, Peavey Haskell, Villa, Willette.

Yes, 93; No, 43; Absent, 15; Excused, 0.

93 having voted in the affirmative and 43 voted in the negative, with 15 being absent, and accordingly **House Amendment "A" (H-813) to Committee Amendment "A" (H-809)** was **ADOPTED**.

Committee Amendment "A" (H-809) as Amended by House Amendment "A" (H-813) thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-809) as Amended by House Amendment "A" (H-813)** thereto and sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1311) (L.D. 1821) Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-811)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS

Acts

An Act To Provide Model Language for Standard Sewer District Charters

(S.P. 579) (L.D. 1532)

(C. "A" S-481)

An Act To Implement the Recommendations of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf

(S.P. 703) (L.D. 1769)

(C. "A" S-479)

An Act To Reform Regulation of Consumer-owned Water Utilities

(S.P. 710) (L.D. 1784)

(C. "A" S-484)

An Act To Assist Electric Utility Ratepayers

(S.P. 731) (L.D. 1825)

(C. "A" S-482)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, To Require a Study of the Payment of Motor Vehicle Excise Tax by Public Utilities

(H.P. 1259) (L.D. 1754)

(C. "A" H-774)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative FREDETTE of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 655

YEA - Beaudoin, Beaulieu, Beavers, Berry, Black, Bolduc, Briggs, Brooks, Casavant, Cassidy, Chase, Chenette, Chipman, Clark, Cooper, Crafts, Cray, Crockett, DeChant, Devin, Dickerson, Dill, Doak, Dorney, Dunphy, Evangelos, Farnsworth, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hubbell, Jones, Jorgensen, Kaenrath, Keschl, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Parry, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Theriault, Timberlake,

Tipping-Spitz, Treat, Verow, Volk, Welsh, Werts, Winchenbach, Mr. Speaker.

NAY - Ayotte, Beck, Boland, Campbell J, Campbell R, Cotta, Daughtry, Davis, Duprey, Espling, Fitzpatrick, Fowle, Fredette, Gifford, Hobbins, Jackson, Johnson P, Kinney, Libby A, Long, Maker, Marean, McClellan, McElwee, Nadeau A, Nutting, Pease, Pouliot, Reed, Short, Sirocki, Turner, Tyler, Wallace, Weaver, Wilson, Winsor, Wood.

ABSENT - Bennett, Carey, Chapman, Dion, Gillway, Johnson D, Kent, Malaby, McLean, Noon, Peavey Haskell, Villa, Willette.

Yes, 100; No, 38; Absent, 13; Excused, 0.

100 having voted in the affirmative and 38 voted in the negative, with 13 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, April 4, 2014, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1254) (L.D. 1747)

(H. "A" H-777 to C. "A" H-757)

TABLED - April 2, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **FINAL PASSAGE.**

Representative FREDETTE of Newport **REQUESTED** a roll call on **FINAL PASSAGE.**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 656

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chenette, Chipman, Clark, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Doak, Dorney, Dunphy, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Keschl, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Parry, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Campbell R, Chase, Crafts, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Jackson, Kinney, Lockman, Long, McClellan, Newendyke, Nutting, Pease, Sanderson, Sirocki, Wallace.

ABSENT - Bennett, Carey, Chapman, Dion, Gillway, Johnson D, Kent, Malaby, McLean, Noon, Peavey Haskell, Villa, Willette.

Yes, 118; No, 20; Absent, 13; Excused, 0.

118 having voted in the affirmative and 20 voted in the negative, with 13 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

An Act To Clarify When Bonds May Be Issued

(H.P. 628) (L.D. 904)

(C. "A" H-595)

- In House, **PASSED TO BE ENACTED** on February 20, 2014.

- In Senate, Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

TABLED - April 4, 2014 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **FURTHER CONSIDERATION.**

Subsequently, Representative FREDETTE of Newport moved that the House **RECEDE AND CONCUR.**

The same Representative **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 657

YEA - Ayotte, Beaulieu, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Pouliot, Reed, Sanderson, Short, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Wilson, Winchenbach, Winsor, Wood.

NAY - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Mr. Speaker.

ABSENT - Bennett, Carey, Chapman, Dion, Johnson D, Kent, Malaby, McLean, Noon, Peavey Haskell, Villa, Willette.

Yes, 54; No, 85; Absent, 12; Excused, 0.

54 having voted in the affirmative and 85 voted in the negative, with 12 being absent, and accordingly motion to **RECEDE AND CONCUR FAILED.**

Subsequently, Representative BERRY of Bowdoinham moved that the House **INSIST.**

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **INSIST.**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Insist. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 658

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Pouliot, Reed, Sanderson, Short, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Bennett, Carey, Chapman, Dion, Johnson D, Kent, Malaby, McLean, Noon, Peavey Haskell, Villa, Willette.

Yes, 85; No, 54; Absent, 12; Excused, 0.

85 having voted in the affirmative and 54 voted in the negative, with 12 being absent, and accordingly the House voted to **INSIST**.

Resolve, Regarding Metallic Mineral Exploration, Advanced Exploration and Mining (EMERGENCY)

(H.P. 1270) (L.D. 1772)
(C. "A" H-769)

TABLED - April 4, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - FINAL PASSAGE.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to mention that if this Resolve passes, it will severely set back the creation of jobs in Aroostook County and Penobscot County. It will wipe out about two years of work by the DEP, so we'll have to resubmit the rules and I'm sure they'll be the same rules that they originally submitted. Mr. Speaker, I want to give a little background. When I first came to Augusta eight years ago, one of the departments I harbored grave concern about was the Department of Environmental Protection. After working closely with them and after having seen the many problems they were able to confront and farmed solutions for, I began to realize that the people working for the DEP are highly trained professionals and have a genuine concern for the environment. I have spoken to a number of them in regards to mining in Maine and they all expressed, with great confidence, in their ability to monitor, inspect and evaluate our mining procedures and operations. Mr.

Speaker, I have come to respect the DEP, their professional staff and their field-trained scientists. I now truly believe that the DEP is fully capable of monitoring every aspect of the mining operation. Remember, Mr. Speaker, it's very important to emphasize that they have the full authority to shut down the operation in a minute should any infraction occur. I also want to remind you, Mr. Speaker, and my fellow Representatives, that when mining was first initiated the State of Maine, the DEP was nonexistent. We now have one of the finest and most skilled staff in the various areas of responsibility be it water, air quality of any state in the union. New technological advances in mining are now being utilized to protect the environment, not only while operations are occurring but monitoring programs will continue long after the mining operation has ceased. Also, Mr. Speaker, new requirements now exist that mandate the mining operator will and must have a fully funded trust fund prior to the starting up of any mining operation. The DEP can draw upon this fund at any time should circumstances warrant. Also, Mr. Speaker, let me reassure you that we live in different times than when mining was first initiated in the State of Maine. Yes, we have made mistakes, but we have learned from our mistakes. May I once more remind you that we have one of the most professional and most competent DEPs in the United States. They will inspect, monitor and scrutinize each step of the mining operation. The DEP will set parameters for each mining operation before it occurs. Once more, the DEP in the State of Maine has the power to abruptly shut down any operation that would be detrimental to our land, our water or our air. Also, I want to remind you, legislators, that you, yourselves, have given them this mandate. Now is the time to trust the authority you, yourselves, have given them. Lastly, after working with the DEP for eight years, I have full confidence that they will scrupulously do their duty without favor and without prejudice, but will make decisions based on science and facts, for I urge you and I ask you to vote red and not support this Resolve. It means jobs in Aroostook County, Penobscot County and other areas in Maine. We need the jobs. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As I mentioned before and as you all know, this is a reflection of a bill that many of you passed in the last session, in the 125th, and it went out because it was deemed major substantive to have rules which apply to the law specific as you passed it. Now, what we're doing here is we're basically changing the law through rulemaking. I also mentioned what when I first arrived here, 21 years ago, that was a major problem. Rules would go out and were created to address laws, but when they came back, or when they became law, once promulgated, they well exceeded the intent of the law. Major substantive rules are to be created based on the law, the law of which you passed in the last session, and that's how they came back. At the committee, we asked both departments if they complied with the law, period, do they exceed or change the law. Both replied "No." So, in fact, as these go back to rulemaking, they can't exceed the intent of the law. They can't change the law. Each one of us, the minute we leave here, upon *sine die*, can put in a title to change that law if we want to. We can't do it through rulemaking. So I would encourage you to vote no and go downstairs to the Revisor's office immediately upon *sine die* and put a bill in to change it, if that's what you want to do.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Again, this is a

jobs bill for northern Maine and as for my last speech on the jobs for northern Maine, it was said in this chamber that we probably wouldn't get too many of the jobs in northern Maine because they were going to be specialty jobs and there may not be people to be able to do it in northern Maine. Well, I suggest different. Northern Maine is able to run northern Maine and the people that visit northern Maine and say that they love it, they love it because it's the people that created that environment that they love to come and visit. The problem is when rules are made to try to control that part of the state that people have no idea what's going on. The best resource of northern Maine is the people. The people have put into place what other people come and visit and enjoy. We are well capable of taking care of our mining. We are well capable of doing casinos, if that would come back. We are well able to do the logging and take care of our needs in northern Maine. But when it's spoken in these chambers that the number of jobs is exaggerated and the number of jobs would be technical and specialty jobs that wouldn't go to us, I find that appalling.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker. Again, I would just remind the body that this bill does not change the statute that was passed in the 125th. It does not stop jobs. It is about making sure that when we do mining in Maine, that it keeps our water safe and protects taxpayers. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. As I spoke to the Ladies and Gentlemen of the House the last time on this mining bill, the mining rules, it was very clear to those of us who were evaluating these rules that, under the law that was passed by the 125th, the intent of that law was protect the environment and it was to protect the taxpayers. These rules do neither and that is why we are moving that they not be approved at this time. It is especially important that we take care of our water quality, and it is especially important that if we are going to enter into this kind of endeavor here in Maine, that we protect our taxpayers and make sure that our taxpayers are not on the hook for cleanups as they have been in other parts of the state. So I urge you to finally pass this Resolve as we've presented it. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Mr. Speaker. I just rise to address a few of the concerns that were brought up by all. I want to remind the Representatives that these requirements that exist right now that mandate that the mining operator have a fully funded trust fund prior to starting up in the operation and that the DEP can shut an operation down in one minute, should any infraction occur, in reference to water, land or air. Also, I'd like to remind you that we have one of the most competent DEPs of any state in the union. I've talked with them at length about monitoring, inspecting and setting parameters for the mining rules in Maine, not only in Bald Mountain but all over Maine. These are very competent people. They would not allow the water, the land or the air to be polluted in any way. We have to trust the DEP. That's why we put them in place. These people are highly professional, highly skilled, highly trained, and all of the sudden we don't trust them. Ladies and gentlemen, we have two guarantees. We have a trust fund fully capable of putting the environment back in its original primeval condition. We have a DEP that will monitor, inspect and watch for any infraction of the law. That's why we employ those people. It's very important that

we trust them because you, yourselves, as legislators, gave them this authority. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from York, Representative McGowan.

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just take exception to one of my good colleagues. These are not rules for northern Maine. These are rules for all of the State of Maine. These are the rules that would protect, or not, the water quality of all of the State of Maine. These are rules that would protect the taxpayers' dollars for all of the State of Maine. So the contention that this is rules about northern Maine or this only affects northern Maine, we need to realize that if mining is done in Maine, it can be done anywhere and the protections and the guarantees to the taxpayers and to our environment are important to all of us. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 659

YEA - Beaudoin, Beavers, Beck, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marean, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Parry, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saxton, Schneck, Shaw, Sirocki, Stuckey, Tipping-Spitz, Treat, Verow, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Berry, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Duprey, Fitzpatrick, Fredette, Gifford, Jackson, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Pease, Reed, Saucier, Short, Stanley, Theriault, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Bennett, Carey, Chapman, Dion, Johnson D, Malaby, McLean, Noon, Peavey Haskell, Villa, Willette.

Yes, 93; No, 47; Absent, 11; Excused, 0.

93 having voted in the affirmative and 47 voted in the negative, with 11 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE**.

Subsequently, on motion of Representative BERRY of Bowdoinham, the House **RECONSIDERED** its action whereby the Resolve **FAILED FINAL PASSAGE**.

Subsequently, on motion of Representative WELSH of Rockport, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-769)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-776) to Committee Amendment "A" (H-769)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: I guess a Point of Order, Mr. Speaker, just in terms of clarification. Did you dispense with all of the matters in regards to Unfinished #9?

The **SPEAKER**: The current posture of Unfinished #9, it's just dispense with the reading of House Amendment "A." The pending motion will be will the House adopt House Amendment "A."

Representative **FREDETTE**: And in that point in time, Mr. Speaker, I request a roll call.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-776) to Committee Amendment "A" (H-769)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Clarification, do we have House Amendment "A" in front of us?

The **SPEAKER**: The Chair would answer in the affirmative.

The **SPEAKER**: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: I don't seem to see it in paper form. Is it electronic?

The **SPEAKER**: My understanding is that the chamber staff distributed it last week, but we can get you either online or a new copy right now.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **FREDETTE**: Mr. Speaker, is it my understanding the amendment essentially just removes the emergency clause on the bill?

The **SPEAKER**: The Representative from Newport, Representative Fredette, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker. Yes, this amendment merely strips the emergency from the bill. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-776) to Committee Amendment "A" (H-769). All those in favor will vote yes, those opposed will vote no.

The **SPEAKER**: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose her question.

Representative **SANDERSON**: On the electronic data, it says House Amendment "A" (H-776) was withdrawn on 3-31-2014. Can we still vote on that or should we be voting on House Amendment "B" (H-810)?

The **SPEAKER**: The Chair would answer that House Amendment "A" is properly before the body. It was presented, but it was withdrawn. So it is properly before the body, and House Amendment "A," the pending motion is Adoption of House Amendment "A."

A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-776) to Committee Amendment "A" (H-769). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 660

YEA - Beaudoin, Beavers, Beck, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Guerin, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marean, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saxton, Schneck, Shaw, Stuckey, Tipping-Spitz, Treat, Verow, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Fitzpatrick, Fredette, Gifford, Gillway, Harvell, Jackson, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Reed, Sanderson, Saucier, Short, Sirocki, Stanley, Theriault, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Bennett, Carey, Chapman, Dion, Johnson D, Malaby, McLean, Noon, Peavey Haskell, Villa, Willette.

Yes, 88; No, 52; Absent, 11; Excused, 0.

88 having voted in the affirmative and 52 voted in the negative, with 11 being absent, and accordingly **House Amendment "A" (H-776) to Committee Amendment "A" (H-769) was ADOPTED**.

Subsequently, **Committee Amendment "A" (H-769) as Amended by House Amendment "A" (H-776)** thereto was **ADOPTED**.

Subsequently, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-769) as Amended by House Amendment "A" (H-776)** thereto in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative **WELSH** of Rockport, the House adjourned at 11:07 a.m., until 2:30 p.m., Tuesday, April 8, 2014.